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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,262

08/26/2003

Brian Harden

280/016 DC

2074

30310

7590

06/22/2011

Tessera North America, Inc.

c/o Lee & Morse, P.C.

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1742

MAIL DATE

DELIVERY MODE

06/22/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/647,262	<b>Applicant(s)</b> HARDEN ET AL.	
	<b>Examiner</b> MATHIEU VARGOT	<b>Art Unit</b> 1742	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-30,41-46,51,52,61,62 and 65-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-30,41-46,51,52,61,62 and 65-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-23, 27-30, 41-46, 51, 52, 61, 62 and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Chou -905 essentially for reasons of record as set forth in paragraph 2 of the last office action.

Concerning amended claims 65 and 67, the primary reference teaches etching recesses 38 that have rounded edges, hence constituting a refractive element opposite the diffractive molded portion 12 on the other substrate. Although it is not preferred—see col. 5, lines 53-60 of Harris et al—one of ordinary skill in the art would realize that the recesses would be fashioned to modify the light passed to the diffractive elements dependent on the exact optical effect desired. Concerning the imprinting, it is maintained that imprinting all the diffractive elements at one time would have been obvious over imprinting them one at a time to save time. Clearly, Chou -905 shows one of ordinary skill how to imprint a resist material with multiple structures in a single step employing one mold.

2.Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Chou -905 and further in view of Napoli et al essentially for reasons of record noting the following.

While Napoli et al may indeed show the substrate being cut longitudinally, it is nevertheless maintained that the reference is applicable for teaching the imprinting of

structures on both sides of the substrate. Dependent on the exact optical article being made, it would have been obvious to have done so in the process of the primary reference.

3. Applicant's arguments filed April 13, 2011 have been fully considered but they are not persuasive. Applicant suggests that it would not have been obvious to make the imprinted structures in Harris et al at one time using an imprint mold. Such is not persuasive. Given that Harris et al teaches imprinting, the structures would clearly be imprinted using a mold. One of ordinary skill in the art would realize that such imprinting would either be done in a step-and-repeat type imprinting or by using a mold that would imprint all the structures simultaneously. It would not constitute an invention to perform either type of imprinting in Harris et al, and the primary reference does not explicitly teach exactly what kind of imprinting is used. Also, clearly, Chou -905 imprints simultaneously, albeit the imprinted resist is then etched. Hence, one of ordinary skill in the art at the time of invention would have knowledge of using a mold to imprint multiple structures simultaneously on a wafer. Napoli et al is still valid for teaching the imprinting of multiple structures on both sides of a wafer substrate.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATHIEU VARGOT whose telephone number is (571)272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
June 17, 2011

/Mathieu D. Vargot/  
Primary Examiner, Art Unit 1742